



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Mine Safety

4 (Amendment)

5 805 KAR 7:060. Program approval.

6 RELATES TO: KRS 351.101, 351.102[, 351.105, EO 2009-538]

7 STATUTORY AUTHORITY: KRS 351.070(13), 351.106(1)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 352.070(13) authorizes the  
9 Energy and Environment Cabinet [~~Environmental and Public Protection Cabinet~~] to promulgate  
10 administrative regulations necessary and suitable for the proper administration of KRS Chapter  
11 351. KRS Chapter 351.106(1) requires the department [~~Mining Board~~] to establish a program of  
12 training and education of inexperienced underground and surface coal miners. [~~EO 2009-0538,~~  
13 ~~effective June 12, 2009, abolishes the Environmental and Public Protection Cabinet and establishes~~  
14 ~~the new Energy and Environment Cabinet.~~] This administrative regulation establishes the  
15 procedure for public and private entities to submit training programs to the Division of Mine Safety  
16 [~~Mining Board~~] for approval.

17 Section 1. A training program for inexperienced miners shall be approved by the Division  
18 of Mine Safety [~~board~~] if the proposed program meets the criteria and objectives of 805 KAR  
19 7:020, and the instructors teaching the program have been certified by the Kentucky Department  
20 for Natural Resources and the U.S. Department of Labor, Mine Safety and Health Administration.

1           Section 2. (1) A person who desires to provide a training program to inexperienced miners  
2 shall submit the proposed training program to the Division of Mine Safety, 300 Sower Blvd,  
3 Frankfort, Kentucky 40601 [~~Mining Board, P.O. Box 2244, Frankfort, Kentucky 40602-2244~~], for  
4 review.

5           (2) The proposed training program shall contain the following information:

- 6           (a) The address and location of the training facility to be used;
- 7           (b) A description of the equipment and facilities to be used;
- 8           (c) A list of the participating instructors;
- 9           (d) The content areas in the training program for which each instructor shall be responsible;
- 10          (e) The approximate number of students per class;
- 11          (f) The dates on which the training program will be conducted;
- 12          (g) The name and address of the person responsible for the formulation and implementation  
13 of the training program;
- 14          (h) An outline of the proposed program showing how it meets the criteria and objectives  
15 of 805 KAR 7:020;
- 16          (i) A list of instructional material to be used including films or programmed material and  
17 noting where the material will be used within the instructional sequence; and
- 18          (j) A description of the instructional methods to be used throughout the program including  
19 lecture-demonstration, personalized instruction, and team-teaching.

20           Section 3. (1) Approval granted by the Division of Mine Safety [~~board~~] in accordance with  
21 the provisions of this administrative regulation shall be conditional upon the practical  
22 implementation of the training program in a manner consistent with the criteria and objectives of  
23 805 KAR 7:020.

- 1 (2) The Division of Mine Safety [~~department~~] shall have the authority to monitor an  
2 approved program without prior notice.

805 KAR 7:060 approved for filing.  
Pages (1-3)

8/14/2017

Date

Charles G. Snavely  
Charles G. Snavely, Secretary  
Energy and Environment Cabinet

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on September 26, 2017 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency by September 19, 2017, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2017. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: [michael.mullins@ky.gov](mailto:michael.mullins@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 7:060

Contact Person: Michael Mullins

Contact number: (502) 782-6720

Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for public and private entities to submit training programs for approval.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedure for public and private entities to submit training programs to the Division of Mine Safety for approval.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 351 provides the department the authority to promulgate administrative regulations to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This administrative regulation establishes the procedure for public and private entities to submit training programs for approval.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS Chapter 351.106(1) requires the department to establish a program of training and education of inexperienced underground and surface coal miners. This administrative regulation establishes the procedure for public and private entities to submit training programs to the Division of Mine Safety for approval.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment makes changes necessary to implement the requirements of SB 249 from the 2017 Legislative Session.

(b) The necessity of the amendment to this administrative regulation: The amendments to this administrative regulation removes the Mining Board as the agency that approves training programs to be used by public and private entities.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by establishing the procedure for public and private entities to submit training programs to the Division of Mine Safety for approval.

(d) How the amendment will assist in the effective administration of the statutes: KRS Chapter 351.106(1) requires the department to establish a program of training and education of inexperienced underground and surface coal miners. These amendments are necessary to implement the requirements of SB 249 from the 2017 Legislative Session.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This provision would apply to any entity that operates coal mine within Kentucky or is a certified miner or wishes to become a certified miner.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed in question (3) above will submit training programs to the Division of Mine Safety for approval.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is not a cost increase associated with the proposed amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be no change in benefits.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the department associated with implementation of this amendment. The Division of Mine Safety has been meeting these requirements.

(b) On a continuing basis: There will be no costs to the department associated with implementation of this amendment. The Division of Mine Safety will continue to meet these requirements.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding for implementation of the amendments to this administrative regulation will be a combination of general funds and restricted funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendments to this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not No. All certified miners will be required to meet the same requirements.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 805 KAR 7:060  
Contact Person: Michael Mullins, Reg. Coordinator

Contact number: (502) 782-6720  
Email: Michael.mullins@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Natural Resources, Division of Mine Safety.
2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.101; KRS 351.102; 351.070(13); 351.106(1)
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the state or local government.
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate revenue in subsequent years.
  - (c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.
  - (d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.